

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
DECEMBER 19, 2005
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Jana Berg, Assistant County Attorney
Debby Gore, Clerk to the Board
Tony Cummings, Chief Deputy

ABSENT: Ann Hardy, Fiscal Operations Director

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. The following adjustments were made:

1. Vice-Chairman Norris requested to table Item IX-3.

Commissioner Sue moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Brian Garrett, Brunswick Family Assistance Agency Chairman informed that Sherry Jorday has been hired as the new Executive Director and will begin service after January 1, 2006. Mr. Garrett also announced that gifts and food will be offered to Senior Citizens and Families on December 21, 2005 and approximately 790 children will receive toys due to community

generosity from the communities and the Board of Commissioners. Mr. Garrett thanked the Board for continued support.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

- 1) December 5, 2005 – Regular Meeting – 6:30 p.m.

B. Tax Matters

- 1) Monthly Tax Collection Report
- 2) Motor Vehicle Valuation & Levy – August
- 3) Tax Releases for December 2005
- 4) Fire Fee Releases for December 2005

C. Finance

- 1) Health Fund Amendment 10

The Health Department has received a grant in the amount of \$10,000 for use in the Healthy Carolinians Program 135128. The request is to appropriate the funds for special projects. There are no additional county funds involved in this amendment.

- 2) Health Fund Amendment 12

The Health Department has received \$500 from the State of North Carolina for use in the Food & Lodging Program 135182. The request is to appropriate the funds for office supplies and materials. There are no additional county funds involved in this amendment.

- 3) General Fund 33

The Rescue Squad Capital Expenditure Committee voted to approve a request of Town Creek VRS to purchase a new LifePak 500 under state contract for an amount not to exceed \$2,500. The funds are available in the undesignated funds of the rescue squad. There are no additional county funds involved in this amendment.

- 4) General Fund 34

The Rescue Squad Capital Expenditure Committee voted to approve a request of Bald Head Island VRS to purchase a new 4 X 4 Dodge Pickup under state contract for an amount not to exceed \$11,000. The funds are available in the undesignated funds of the rescue squad. There are no additional county funds involved in this amendment.

- 5) General Fund 35

The County is in receipt of insurance proceeds for \$8,497 for damages from hurricane Ophelia. The Operation Services Department requests appropriation of the funds to replenish the supplies used in the repairs. There are no additional county funds involved in this amendment.

- 6) General Fund 36

The County received notice of a reduction of the State funds budgeted for the Cape Fear Sentencing Grant in the amount of \$2,657. The program will reduce planned expenditures of \$510 for office supplies, \$1,000 for travel and \$1,147 for contracted services to correspond with the loss of State revenue of \$2,657. There are no additional county funds involved in this amendment.

7) School Capital Project Fund 3

The County is in receipt of a request from Brunswick County Schools to establish a capital project ordinance and budget amendment to appropriate investment earnings from bond proceeds earned in the amount of \$2,000,000 for a six classroom addition at Supply Elementary School. There are no additional county funds involved in this amendment.

D. Operation Services

- 1) Tipping Fee Exemption Request – Faith Original Freewill Baptist Church

E. Finance – Local Option Sales Tax Collections Report

Receive the Local Option Sales Tax Collections Report as information.

F. Finance – Medicaid Expenditure Report

Receive the Medicaid Expenditure Report as information.

VI. PRESENTATION

1. Board of Elections – Voting System Requirements – (*Greg Bellamy*)

Greg Bellamy, Board of Elections Director introduced members of the Elections Board who were present at the meeting, Willie Sloan, Stuart Smith and Alfonzo Roach. Mr. Bellamy explained that the recently ratified Senate Bill 223 is having a huge impact on Elections Offices in North Carolina requiring that all voting systems generate either a paper ballot or a paper record by which voters may verify their votes before casting them, the State Board of Elections shall develop a request for proposal process to insure that every county shall purchase equipment at the same price statewide thereby standardizing the purchase of voting systems, establish the role of the State Boards of Elections and County Boards of Elections related to training and support of voting systems, post election testing of voting systems, including a paper sample-count, expand the right to a hand-to-eye recount of paper ballots. Lastly, the requirement to report one-stop totals by precinct will greatly impact the number of ballot combinations (ballot styles) needed in our satellite locations.

There was discussion concerning costs, a voting center plan rather than a full precinct plan and scheduling a public hearing on the matter. The Board directed the Elections Director to set a date that the Board could view the voting systems.

VII. PUBLIC HEARING

1. Brunswick County Schools – School Property

CALL TO ORDER

Chairman Sandifer called the Public Hearing to order at 6:57 p.m. Huey Marshall, County Attorney explained that the purpose of the Hearing was to receive public input regarding the request received from the Board of Education asking for property to be acquired to locate an educational facility on Tax Parcel #20000009 located near the intersection of Stanley and Stone Chimney Roads.

PUBLIC COMMENTS

1. Jeff Stokley spoke in behalf of the property owner and asked that the County hold off with condemnation offered to work with the Board in terms of planning this project.
2. Ennis Swain, Varnamtown Mayor Pro tem spoke in support of the project and offered some history and some of the potential problems that could be of concerns with the parcel.

ADJOURN

Commissioner Sue moved to adjourn the Public Hearing at 7:05 p.m. The vote of approval was unanimous.

PUBLIC HEARING

2. Refund of Deed Stamps

CALL TO ORDER

Chairman Sandifer called the meeting to order at 7:05 p.m. Huey Marshall, County Attorney explained that the purpose of the hearing was to receive comments regarding a Petitioner's request for refund of excise stamps on conveyance with the Petitioner contends is a distribution of assets and not a delivery of title.

PUBLIC COMMENTS

1. Attorney Amy Zeko representing the Petitioners stated that they were asking for a refund of the excise tax paid on the transfer of 5 parcels that were paid due to an error in the preparation of the deed.

ADJOURN

Vice-Chairman Norris moved to adjourn the Public Hearing at 7:09 p.m. The vote of approval was unanimous.

VIII. ADMINISTRATIVE REPORT

1. Parks & Recreation – Rules and Regulations - (*George Page*)

Staff recommends that the Board of Commissioners approve new park rules as recommended by the Brunswick County Parks & Recreation Advisory Board.

George Page, Parks and Recreation Director explained that with the diverse and growing population our county is experiencing, the Parks and Recreation Advisory Board felt the park rules needed to be updated and displayed properly with new signage throughout the park. The current signs are in poor condition and need replacing therefore, the Advisory Board recommends approval of the new park rules.

Commissioner Rabon moved to approve the new park rules to be printed in English and Spanish as recommended by Parks and Recreation Advisory Board with the following changes: Remove the words "Tobacco Products". Remove "Doing So" and replace with "Possession or Use". The vote of approval was unanimous.

2. GIS – Discontinuation of Parcel Numbers — (*Steve Randone*)

Staff recommends that the Board of Commissioners discontinue the assignment of parcel numbers to deeds prior to recordation, effective January 1, 2006.

Steve Randone, GIS/MIS Director explained that since the 1970's, Brunswick County has been assigning parcel numbers to deeds prior to recordation. These numbers have changed due to various reasons and have been of less value over the past few years. As the county has grown in the realm of technology and mapping (GIS), it is no longer needed to maintain two mapping systems (hard copy and digital). Therefore, in the process of deleting the hard copy mapping process, it is necessary to assign North Carolina State Plane PIN numbers and a parcel tracking number to deeds after recordation and discontinue assignment of parcel numbers to deeds prior to recordation. This will allow the public to record an instrument without GIS assignment of a parcel and the Register of Deeds will not need to index said instrument by parcel number. This will also pave the way for possible electronic filing of a deed in the future. The Planning and GIS departments will continue to offer a courtesy review of the deed to the public for subdivision and zoning requirements. The GIS department will continue to issue a parcel tracking number for permitting purposes. If approved, as of January 1, 2006, it will not be required for the GIS department to assign a parcel number prior to recording and the Register of Deeds can accept the deed for recordation without a parcel number assigned and will not be required to index by parcel number. This change of procedure was presented and agreed upon by Administration, Environmental Health, GIS, Planning, Register of Deeds and Tax in a meeting on December 6, 2005. Staff will continue to evaluate our internal processes related to the above and make future recommendations as necessary.

Commissioner Moore moved to approve the request to discontinue the assignment of parcel numbers to deeds prior to recordation, effective January 4, 2006 instead of January 1, 2006. The vote of approval was unanimous.

3. Health Department – Spay/Neuter Program Extension – (*Don Yousey*)

Staff recommends that the Board of Commissioners approve the extension of the special Spay/Neuter Program to include all Animal Services Revenues and the associated Budget Amendment.

Don Yousey, Health Director explained that the Board of Health initiated a special spay neuter program this year using half the revenues collected in Animal Services last year (\$35,000). There was a delay in starting the program until August due to an error we made in the budget. In the last three months, all the money allocated which financed the spay and neuter of 222 dogs and 256 cats has been obligated. The Health Department and Board of Health has received much positive feedback about the program and the Board voted unanimously in November to ask the Board of Commissioners for permission to use the total revenues collected instead of just half so we can continue the program. Staff foresees the program being capitated at that amount (approximately \$70,000). The county is growing so fast, it is impossible to get an accurate assessment of how much this program is saving us in prevention of unwanted litters, decreased stray pickups and the subsequent euthanasia's. However, it appears self evident that less unwanted puppies and kittens leads to less of the other categories. Mr. Yousey cautioned that while he feels this program has great benefit, it is not without cost. The money being proposed to use in the special spay and neuter program was previously used to run Animal Services operations. If Staff is going to tag revenues from this program for this use, we will need to ask the county to fund that part of the Animal Services budget (\$70,000) that these funds used to cover.

Commissioner Sue moved to approve the extension of the special Spay Neuter Program to include all Animal Service Revenues and the associated Budget Amendment. The vote of approval was unanimous.

4. Engineering – Cafeteria Renovations - (Jeff Phillips)

Staff recommends that the Board of Commissioners approve Change Order No. 2 in the amount of \$5,756.56 to Hall Builders for the Cafeteria Renovation Project.

Jeff Phillips, Engineering Services Director explained that Change Order # 2 for \$5,756.56 also serves as a final change order for this project. The changes are in most part due to the Brunswick County Health Dept. Inspection requirements to meet State Codes.

Commissioner Sue moved to approve Change Order No. 2 in the amount of \$5,756.56 to Hall Builders for the Cafeteria Renovation Project. The vote of approval was unanimous.

5. Brunswick County Government Center/BCC Wastewater Contracts – (Marty Lawing)

Award Construction Contract for Brunswick County Government Center and Brunswick Community College Sewer Improvement Projects to Alderman Brothers Construction, Inc. in the amount of \$635,970 and approve a Budget Amendment in the amount of \$285,970.

Marty Lawing, County Manager explained that sewer system improvement projects at the Brunswick County Government Center and Brunswick Community College, to allow connection to the West Brunswick Regional Wastewater System, have been bid twice. Both times only one bid was received and since the bid received was significantly over the project budgets, County staff was authorized by the Board of Commissioners to solicit informal bids. In order for the informal bid to meet statutory requirements, total project cost must be \$300,000 or less for each project. Three contractors submitted informal bids for the two projects and in every case the total cost for the Government Center project was significantly over \$300,000. Other attempts to reduce project costs were not feasible, so the staff again asked Alderman Brothers Construction, Inc. to look at a potential reduction in their bid prices for the projects. All of the contractors expressed concerns about the proposed construction time schedule of 120 days due the anticipated long delivery time for the pumps and some contractors cited this as a reason for not bidding initially. Due to a recent stabilization in PVC pipe prices and our agreement not to penalize the contractor for delays in pump delivery, Alderman Brothers agreed to a price reduction as follows:

<u>Initial Bid</u>	<u>Revised Prices</u>	
Government Center	\$400,320.00	\$371,320.00
Community College	<u>285,650.00</u>	<u>264,650.00</u>
TOTAL	\$685,970.00	\$635,970.00

This total for both projects exceeds the amount budgeted for the two projects by \$285,970. Based on staff's research over the last month, it appears that the costs proposed by Alderman Brothers Construction are market competitive. In order to get these projects constructed and eliminate existing treatment facilities at the Government Center and the College as soon as possible, staff believes contracting with Alderman Brothers is a better option than re-bidding.

Commissioner Sue moved to award Construction Contract for Brunswick County Government Center and Brunswick Community College Sewer Improvement Projects to Alderman Brothers Construction, Inc. in the amount of \$635,970 and approve a Budget Amendment in the amount of \$285,970 contingent upon receipt of the contract and review by the County Attorney. The vote of approval was unanimous.

6. Brunswick County Airport Commission – Grant Applications – (*Ann Hardy*)

Staff recommends that the Board of Commissioners approve the Brunswick County Airport Grant Applications as requested and the associated Budget Amendment.

The County Manager explained that Mr. John Ramsey, Chairman of the Brunswick County Airport Commission made a request to the County to provide local matching funds for airport grants. Mr. Ramsey is making efforts on the behalf of the Airport to secure IN KIND donations to satisfy the local match amount. Due to the need to make the grant application timely, the Airport requests the Commissioners consideration of establishing a reserve fund and authorizing the Finance Officer to certify the grant projects outlined below. The staff recommends the reserve fund be funded with investment earnings from the County Capital Reserve Fund totaling \$146,448.

A federal block grant of \$2,173,531 (project 36237.45.6.3) to extend the runway requires local matching funds of \$158,170. The Commission has \$28,389 of IN KIND matching funds from a land donation made by the Town of Oak Island. The Airport Commission Chairman requests that \$129,781 be appropriated for the remaining local match. A federal block grant of \$150,000 (project 36237.45.7.1) for 2005 VISION 100 requires local matching funds. The Airport Commission Chairman requests that \$16,667.00 be appropriated for the local match.

The total county funds involved in this budget amendment are \$146,448.

Commissioner Sue moved to approve the Brunswick County Airport Grant Applications as requested and the associated Budget Amendment and a request for reimbursement if IN KIND funds are received. The vote of approval was unanimous.

IX. BOARD APPOINTMENTS

1. Alcoholic Beverage Control Board – (1 Appointment)

Vice-Chairman Norris nominated Mitch Williams. Commissioner Sue moved to close the nominations. The vote of approval was unanimous. Commissioner Sue moved to approve the appointment of Mitch Williams. The vote of approval was unanimous. Mr. Williams was reappointed to serve another three year term that will expire January 1, 2009.

2. Parks & Recreation Board – (1 Appointment)

Commissioner Sue nominated William Dale Rabon. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of William Dale Rabon. The vote of approval was unanimous. Mr. Rabon was reappointed to serve another three year term that will expire January 1, 2009.

3. Southeastern Economic Development Commission – (1 Appointment) (Tabled under Adjustments to the Agenda)

4. Utility Operations Board – (3 Appointments)

Commissioner Sue nominated Lee Weddig, Chairman Sandifer nominated Chip Leavitt, and Commissioner Rabon nominated Retta Kennedy. Commissioner Moore moved to close the nominations. The vote of approval was unanimous. Commissioner Sue moved to approve the appointments of Weddig, Leavitt and Kennedy. The vote of approval was unanimous. Lee Weddig, Chip Leavitt and Retta Kennedy were reappointed to serve another two year term that will expire January 1, 2008.

5. Commissioners' Appointments

Commissioner Sue moved to approve all Commissioner Board Appointments as they stand. The vote of approval was unanimous.

X. COUNTY ATTORNEY'S REPORT

1. Refund of Excise Tax

County Attorney recommends approval to refund County portion of excise tax on conveyance.

Huey Marshall, County Attorney informed that the Petitioner has asked for a refund of excise stamps on conveyance which Petitioner contends is a distribution of assets and not a delivery of title. Vice-Chairman Norris asked the County Attorney if he supported the recommendation of this refund and the County Attorney answered affirmatively.

Vice-Chairman Norris moved to refund the County's portion of the excise stamps for Waterway Landing LLC, Units 3302 4202, 4203, 4204 and 4303. The vote of approval was unanimous.

2. School Property

Board of Education requests County acquisition of property for school use.

The County Attorney explained that pursuant to NCGS section 153A-158.1 the Brunswick County Board of Education requested acquisition of property between Stanley Road and Stone Chimney Road for school use.

Commissioner Sue moved to approve the acquisition of parcel #20000009 containing 159.7 acres as recorded in Plat Book 18 at page 227 for school use as requested by the Board of Education. The vote of approval was unanimous.

3. Request for Hearing for Clarification of Deed Requirements Prior to Recordation

Staff requests approval to set a Public Hearing for January 3, 2006 at 6:30 p.m. to receive comments on Deed Requirements Prior to Recording.

The County Attorney handed out a resolution and explained that over the years the County has had various restrictions and requirement for Deeds of Conveyance before they can be recorded in the Register of Deeds office. This action will clarify the requirements and enable the County to consider electronic recordation. Mr. Marshall requested to schedule a Public Hearing for January 3, 2006 and to conform the previous action to change the effective date to January 4, 2006.

Commissioner Sue moved to set a Public Hearing for January 3, 2006 at 6:30 p.m. to receive comments on a resolution to clarify Deeds of Conveyance requirements prior to recordation and amend previous action to include the effective date of January 4, 2006 to clarify Deeds of Conveyance requirements prior to recordation. The vote of approval was unanimous.

4. Closed Session

Commissioner Rabon moved to enter Closed Session at 7:43 p.m. pursuant to NCGS 143-318.10 (a) (3) and (a) (4) attorney-client privilege to discuss matters of importance and property issues. The vote of approval was unanimous.

BREAK

The Chairman called a ten-minute break.

RECONVENED

Chairman Sandifer called the Open Session back to order at 9:20 p.m. and announced that no action was taken in Closed Session.

XI. OTHER BUSINESS/INFORMAL DISCUSSION

Vice-Chairman Norris moved to direct Staff to proceed with the acquisition of 650 acres of property off Highway 211 currently owned by a subsidiary of International Paper up to and including eminent domain. The vote of approval was unanimous.

Commissioner Rabon moved to approve a budget amendment authorizing the County to spend \$1,597,095 for acquisition of property from Jerry Hailey with \$650,000 from the County Capital Reserve (current CIP) and \$947,095 from the School Capital Reserve. The vote of approval was unanimous.

Commissioner Sue moved to authorize Staff to execute an Easement to Atlantic Seawinds for the area along the power line near the property that the County acquired from White Silver Spring Farm near the entrance of Sunny Point Military Ocean Terminal. The vote of approval was unanimous.

XII. ADJOURNMENT

Commissioner Moore moved to adjourn the Regular Meeting at 9:22 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board